

John W. Kern
P.O. Box 503
Houghton, MI 49931

October 3, 2016

General Council
Complaints Examination &
Legal Administration
Attn: Donna Rawls, Paralegal
999 E Street, NW
Washington, DC 20436

MUR 7115

Dear Ms. Rawls,

The following is my response as treasurer of the AJ Kern for Congress campaign. I am responding to Federal Election Commission compliant MUR 7115, filed by Mr. David Fitzsimmons, Congressional Chief of Staff to Congressman Tom Emmer, who AJ Kern challenged in the August 9, 2016, Minnesota 6th Congressional District primary election.

The complaint is a 6 count indictment including notification that I filed two reports late, that I personally exceeded contribution and loan limits to my Wife, AJ's campaign, that the AJ Kern Campaign contributed to itself and that one of our supporters used a small business check from his shoe store which he owns rather than his personal checking account.

All complaints have either been addressed by filing amended returns. There were no illegal contributions or unethical fundraising activities, rather the items of concern to Chief of Staff David Fitzsimmons represent simple mistakes in classification of transactions by this volunteer treasurer.

As campaign manager, treasurer, chief information officer, all other campaign positions and husband, I am asking that the Federal Election Commission take no action against me and to close this complaint.

Count 1.

Mr. Fitzsimmons alleges that I filed my first quarterly report late.

I did indeed file my report one day late on April 19th, one day after the April 18th filing deadline, as April 15th was emancipation day and IRS filings were due the next business day, or the 18th. I anticipate that the FEC will handle this situation through standard procedures outlined in Section 4 of the FEC Committee Rules entitled "*Administrative Fines for Late Filers and Non-filers*". I am not a non-filer.

I apologize sincerely for being late with this report, but as the sole committee member other than Candidate AJ Kern, I spent my time preparing for the endorsing convention—the reason for the campaign. In fact AJ Kern came within 11 delegates of forestalling sitting congressman Emmer's Republican Party endorsement, despite spending over \$1 million as compared to our less than \$20,000 in campaign expenditures.

100-442400

Count 2.

Count 5. David Fitzsimmons, Congressional Chief of Staf to Congressman Tom Emmer, alleges that Mr. Kevin Durken, owner of the Boot Shack shoe store provided an illegal contribution from a corporation to our campaign.

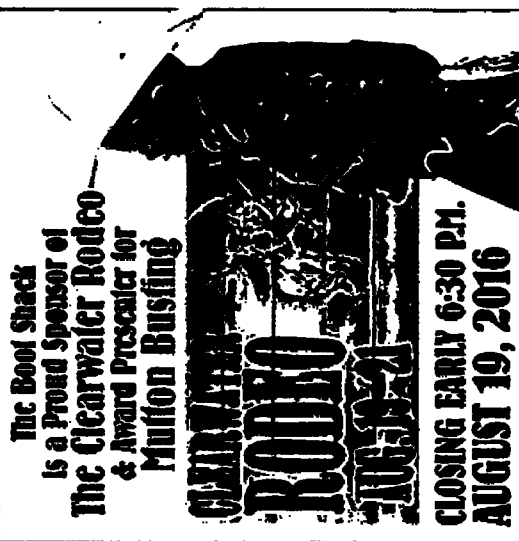
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The Boot Shack

August 18 at 2:21pm · 🌐



Please note we will be closing early on Friday, August 19th to present trophies for the Mutton Busting Competition at the Clearwater Rodeo. The Boot Shack is a proud sponsor of this great event and has tickets available for purchase at the shack.



The Boot Shack shared Catholic Charities of the Diocese

of St. Cloud, MN's photo.

August 11 at 4:34pm · 🌐



Catholic Charities of the Diocese of St. Cloud, MN

August 11 at 4:20pm · 🌐

👍 Like Page

The Boot Shack donated ALL of these New Balance shoes for Catholic Charities Emergency Services clients. Our clients usually expect to receive hand-me-downs whe...

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Count 6. Mr. Fitzsimmons alleges that my pre-primary report was filed late.

I am dismayed that Mr. Emmer's Congressional Chief of Staff had the time and felt the need to alert the FEC to a situation which is easily handled by the FEC's standard reporting processes outlined in the Administrative Fines section. The report was filed within the 4 day grace period outlined in the FEC notice I received in the mail, again making Mr. Fitzsimmons complaint fully redundant to the administrative process the FEC has in place to encourage timely filing.

I would also point out that the pre-election report, with close proximity to key time in the election cycle, exacts a differential penalty on a small grassroots campaigns such as ours, relative to highly funded incumbent campaigns. At that point in time I was needed helping to campaign, rather than reporting to the FEC about how our nearly nonexistent fundraising was going.

I am respectfully asking that the FEC take no action on this complaint or any of the preceding complaints filed by Congressman Tom Emmer's Congressional Chief of Staff, Mr. David Fitzsimmons.

1-800-444-1000